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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/668,865

09/23/2003

Robert D. LoGalbo

CM06218H

3160

22917 7590 01/10/2007  
MOTOROLA, INC.  
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EXAMINER

KARIKARI, KWASI

ART UNIT

PAPER NUMBER

2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/668,865

Applicant(s)

LOGALBO ET AL.

Examiner

Kwasi Karikari

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09/23/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/05/2006</u>  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 07/05/2006 is in compliance with the provision of 37 CFR 1.97, has been considered by the Examiner, and made of record in the application file.

### ***Drawings (Prior art)***

3. Figures 1 and 2 should be typed. Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification mentions the method claims of the Applicant's invention; but fails to show that the method are been installed or implemented in and hardware. For examination purposes, the examiner will treat the rejected claimed limitations in light of the overall concept of Applicant's specification. Appropriate corrections are required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claims 1-10 are rejected under U.S.C. 102(e) as being anticipated by  
Lansford et al., (U.S 20030178984), (hereinafter Lansford).**

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Regarding **claim 1**, Lansford discloses a method for supporting a plurality of devices operating on different frequency (hopping frequency; Pars. [0016 and 0020]) bands comprising the steps of, during a first period of time:

initiating a contention free period at a first frequency; switching from the first frequency to a second frequency (A and B; see Pars. [0028-29]);

communicating with devices operating at the second frequency (A and B communicates, see Pars. [0031-32]); and

periodically during the first period of time, temporarily ceasing the step of (see Pars. [0014-15]) communicating with devices operating at the second frequency to initiate a contention free period at the second frequency, switch from the second frequency to the first frequency (A hops back to B, see Par. [0033]), initiate another contention free period at the first frequency, and switch from the first frequency back to the second frequency (A to D using 2<sup>nd</sup> protocol, see Par. [0033-35]).

Regarding **claim 2**, as recited in claim 1, Lansford discloses the method, wherein the first period of time is divided into intervals, and wherein the step of temporarily ceasing the step of communicating with devices operating at the second frequency occurs during each interval in the first period of time (see Pars. 0019-20 and 0032-33).

Regarding **claim 3**, as recited in claim 1, Lansford discloses that the method, further comprising the steps of:

after the step of switching from the first frequency to the second frequency,  
initiating a contention free period at the second frequency;  
transmitting multicast data to subscribers operating at the second frequency  
(communication between controller and 1<sup>st</sup> class of device, see Par. [0012]); and ending  
the contention free period at the second frequency (see Pars. [0013-15 and 0023]).

Regarding **claim 4**, as recited in clam 1, Lansford discloses the method, wherein the  
steps of initiating a contention free period comprises transmitting a beacon message  
(see Par. [0028]).

Regarding **claim 5**, as recited in clam 1, Lansford discloses that the method, further  
comprising the steps of, during a second period of time:

initiating a contention free period at the second frequency (see Pars. [0014-15]);  
switching from the second frequency to the first frequency (see Pars. [0014-15];  
communicating with devices operating at the first frequency; and  
periodically during the second period of time, temporarily ceasing the step of  
communicating with devices operating at the first frequency to initiate a contention free  
period at the first frequency, switch from the first frequency to the second frequency  
(see Pars. [0019-22]) initiate another contention free period at the second frequency,  
and switch from the second frequency back to the first frequency (see Pars. [0033-35]).

Regarding **claim 6**, as recited in clam 5, Lansford discloses the method, wherein the  
second period of time is divided into intervals (see Pars. [0019]), and wherein the step

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of temporarily ceasing the step of communicating with devices operating at the first frequency occurs during each interval in the second period of time (see Pars. [0019-20 and 0032-33]).

Regarding **claim 7**, as recited in claim 5, Lansford discloses that the method, further comprising the steps of: after the step of switching from the second frequency to the first frequency, initiating a contention free period at the first frequency; transmitting multicast data to subscribers operating at the first frequency (communication between class of devices, see Par. [0012]); and ending the contention free period at the first frequency (see Pars. [0013-15, 0023 and 0032-33]).

Regarding **claim 8**, Lansford disclose a method for supporting a plurality of devices operating on different frequency bands (hopping frequency, see Pars. [0016 and 0020]) comprising the steps of: during a first period of time, initiating a contention free period at a first frequency; switching from the first frequency to a second frequency; and communicating with devices operating at the second frequency (see Pars. [0013-15]), during a second period of time, initiating a contention free period at the second frequency; switching from the second frequency to the first frequency; and communicating with devices operating at the first frequency (see Pars. [0013-15]).

Regarding **claim 9**, as recited in claim 8, Lansford discloses that the method, further comprising the steps of, during the first period of time: after the step of switching from

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the first frequency to the second frequency, initiating a contention free period at the second frequency; transmitting multicast data (see Pars. [0012]) to subscribers operating at the second frequency (see Pars. [0033-35]); and ending the contention free period at the second frequency (see Pars. [0013-15]).

Regarding **claim 10**, as recited in claim 8, Lansford discloses that the method, further comprising the steps of, during the first period of time: after the step of switching from the second frequency to the first frequency (see Pars. [0033-35]), initiating a contention free period at the first frequency; transmitting multicast data (see Pars. [0012]) to subscribers operating at the first frequency; and ending the contention free period at the first frequency (see Pars. [0013-15]).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Mahany (U.S. 5,960,344)** teaches a local area network having multiple channel access.

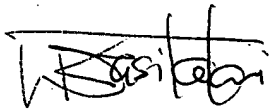
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-F (8 am - 4pm).



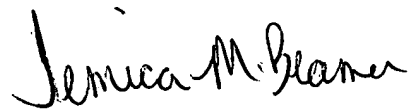
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kwasi Karikari  
Patent Examiner..



TEMICA BEAMER  
PRIMARY EXAMINER